

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BYRON K. HENSLEY,
Plaintiff,

vs.

Case No. 1:12-cv-653
Barrett, J.
Litkovitz, M.J.

COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

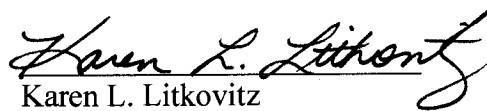
ORDER

On April 26, 2013, the Commissioner filed a sur-reply to plaintiff's Statement of Errors requesting that the Court hold consideration of this matter in abeyance pending the Sixth Circuit's ruling on the petition for rehearing filed in *Gayheart v. Commissioner of Social Sec.*, 710 F.3d 365 (6th Cir. 2013). The Sixth Circuit denied the petition for rehearing on May 2, 2013. The Commissioner's request is therefore DENIED as moot.

IT IS SO ORDERED.

Date:

7/18/13


Karen L. Litkovitz
United States Magistrate Judge